

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1811 of 2017

Arising Out of PS.Case No. -14 Year- 2017 Thana -KOTHIGRAM District- GAYA

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Mahboob Khan, son of Mansoor Khan, Resident of Village- Ranipur, P.S.
Kothi, District- Gaya.

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Sunil Kumar Yadav

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 24-07-2017 Heard learned counsel for the appellant and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 26.5.2017 passed by Additional District &
Sessions Judge-I-cum-Special Judge, Gaya, arising out of Kothi
P.S.Case No. 14 of 2017, arising out of POCSO Case No. 24 of
2017, registered for the offences under Section 376 of the Indian
Penal Code and 4 of POCSO Act and for grant of pre-arrest bail to
the appellant.

Allegation against the appellant as per FIR is that on
the assurance of marriage he developed illicit relationship with the
informant and due to which she was pregnant and when she asked
for marry her, the appellant refused.



It has been submitted on behalf of the appellant that he has falsely been implicated in this case and no occurrence has taken place.

Learned Special P.P. has opposed the prayer stating that mere perusal of FIR it appears that prima facie case under the provisions of POCSO Act is made out against the appellant, as such, this appeal for pre-arrest bail is not maintainable.

Having heard both sides and considering the facts and circumstances, this appeal is not maintainable, rather appellant to surrender and make prayer for regular bail, which will be considered by the Special court below on the basis of the submission made above as well as on the basis of allegation and pass appropriate order, if possible, on the same day.

This appeal is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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